

SURETEC INSURANCE COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HEDGEYE RISK MANAGEMENT, LLC,

X

BOND NO. 3482575

Plaintiff,

-against-

DARIUS DALE,

Defendant.

X

UNDERTAKING ON TEMPORARY RESTRAINING ORDER

Civil Action No.: 21- cv- 3687(ALC)



WHEREAS, the above named Plaintiff, HEDGEYE RISK MANAGEMENT, LLC, has applied for a Temporary Restraining Order in the above entitled action, restraining the Defendant, DARIUS DALE, from doing things as more fully set forth in the Order signed by the Hon. Andrew L. Carter, Jr. on April 27th, 2021 under and by virtue of the Federal Rules of Civil Procedure subject to the posting of security in the sum of **TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS**.

NOW, THEREFORE, the **SURETEC INSURANCE COMPANY**, duly licensed to transact business in the State of New York and having an office and principal place of business at 15 Maiden Lane, Suite 800 New York NY 10038, as Surety, does hereby undertake in the sum of **TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS** that the Plaintiff, HEDGEYE RISK MANAGEMENT, LLC, will pay to the Defendant, so restrained, such damages and costs not exceeding the sum of **TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS**, as the Defendant, may sustain by reason of the Temporary Restraining Order, if the Court shall finally decide that Plaintiff, HEDGEYE RISK MANAGEMENT, LLC, was not entitled thereto: such damages and costs to be ascertained by a reference, or otherwise as the Court shall direct.

Dated: April 28th, 2021

SURETEC INSURANCE COMPANY

By: _____

WILLIAM J. PEDERSEN
ATTORNEY-IN-FACT
ACKNOWLEDGMENT OF SURETY

STATE OF NEW YORK

| SS:

COUNTY OF NEW YORK

On this 28TH day of April in the year 2021, before me, a Notary Public in and for said County, personally appeared WILLIAM J. PEDERSEN, personally known to me, who being by me duly sworn, did say that he is the aforesaid Attorney-in-Fact of the **SURETEC INSURANCE COMPANY** of Houston, Texas, a corporation duly organized and existing under the laws of the State of Texas, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the said instrument was signed, sealed and executed in behalf of said corporation by authority of its Board of Directors, and further acknowledge that the said instrument and the execution thereof to be voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal the day and year last above written.

Neil P. Pedersen
Notary Public, State of New York
No. 01-PE6236258
Qualified in New York County
Commission Expires February 28, 2023

RUBY J. KRAJICK
CLERK OF COURT

BY Wayne Bowme
Deputy Clerk
APPROVED 4-29-2021

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Neil P. Pedersen, William J. Pedersen

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (*Adopted at a meeting held on 20th of April, 1999.*)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 36th day of March, A.D. 2020.

SURETEC INSURANCE COMPANY

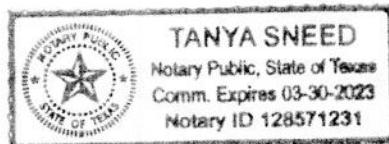
By: 
Michael C. Keimig, President

State of Texas
County of Harris

ss:



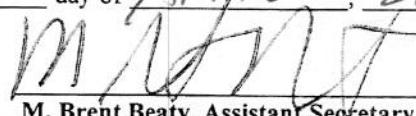
On this 36th day of March, A.D. 2020 before me personally came Michael C. Keimig, to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.




Tanya Sneed, Notary Public
My commission expires March 30, 2023

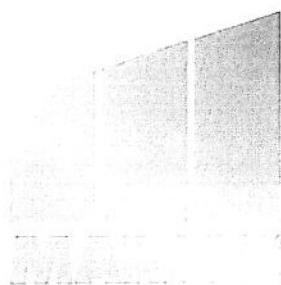
I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 28th day of April, 2021, A.D.



M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.



SureTec Insurance Company
2103 CityWest Boulevard, Suite 1300
Houston, TX. 77042

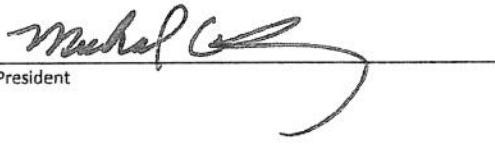
FINANCIAL STATEMENT
as of December 31, 2020
Statutory Basis

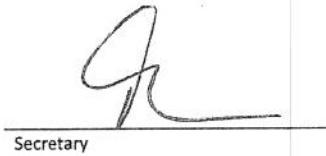
Bonds	\$ 127,614,292	Reserve for Losses and Loss Expense	\$ 11,958,515
Stocks	115,183,843	Reserve for Unearned Premiums	48,379,184
Cash & Short Term Investments	76,482,531	Other Liabilities	142,397,056
Agents Balances or Uncollected Premiums	3,739,860	TOTAL LIABILITIES	202,734,755
Other Admitted Assets	<u>1,219,771</u>		
		Capital Stock	5,000,000
		Surplus	116,505,542
		TOTAL POLICYHOLDERS SURPLUS	121,505,542
		TOTAL LIABILITIES AND POLICYHOLDERS SURPLUS	
TOTAL ASSETS	<u>\$ 324,240,297</u>		\$ 324,240,297

Bonds and stocks are valued in accordance with the basis adopted by the National Association of Insurance Commissioners.
Securities carried in the above statement are deposited as required by law.

CERTIFICATE

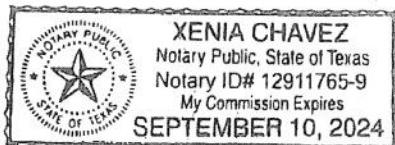
David Allen Wisnoski, Secretary, and Michael Charles Keimig, President, of the SureTec Insurance Company, being duly sworn each for himself, deposes and says that they are the above described officers of the said Company and that on the 31st day of December, 2020, the Company actually possessed the assets set forth in the foregoing financial statement, except as hereinbefore indicated, and that the foregoing statement is a correct exhibit of such assets and liabilities of said Company on the 31st day of December, 2020, according to the best of their information, knowledge and belief.

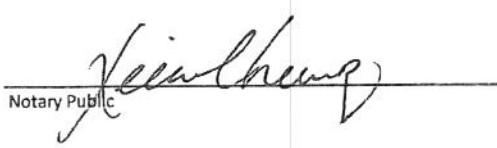

President


Secretary

STATE OF TEXAS
COUNTY OF HARRIS

On this 26th day of March, 2021, before me came the above named officers of SureTec Insurance Company to me known to be the individuals and officers described herein, and acknowledge that they executed the foregoing instrument and affixed the seal of the corporation thereto by the authority of their office.




Xenia Chavez
Notary Public, State of Texas
Notary ID# 12911765-9
My Commission Expires
SEPTEMBER 10, 2024